

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

J. CHRISTOPHER WREH,	§	
PLAINTIFF,	§	
	§	
v.	§	CASE NO. 3:19-CV-1234-K-BK
	§	
WELLS FARGO BANK, N.A. AS	§	
TRUSTEE FOR PARK PLACE	§	
SECURITIES, INC. ASSET-BACKED	§	
PASS-THROUGH CERTIFICATES,	§	
SERIES 2004-MCW1, (SPECIALIZED	§	
LOAN SERVICING, LLC),¹	§	
DEFENDANT.	§	

MEMORANDUM OPINION

Before the Court are Plaintiff’s *Motion for Leave to Amend Conform Caption to Complaint* (“Motion”), [Doc. 4](#), and *Supplemental Motion for Leave to Conform Caption to Complaint* (“Supplemental Motion”), [Doc. 7](#). The Court liberally construes Plaintiff’s pro se Motion and Supplemental Motion as a request for leave to file an amended complaint.² For the reasons detailed here, the request is **GRANTED**.

Plaintiff filed this action in state court, seeking to avoid an “expedited foreclosure [on his home] which is at the point of eviction.” [Doc. 1-1 at 2](#). Liberally construed, the Petition seeks damages or injunctive from Wells Fargo Bank, N.A. (“Wells Fargo”), Specialized Loan

¹ Defendant avers that its correct name is “Wells Fargo Bank, N.A., as trustee for Park Place Securities, Inc., asset-backed pass-through certificates, series 2004-MCW1, class A-1 certificates.” [Doc. 5 at 1](#).

² Pro se pleadings should be “liberally construed.” [Erickson v. Pardus, 551 U.S. 89, 94 \(2007\)](#) (citations omitted).

Servicing LLP (“SLS”), Bank of America, N.A. (“Bank of America”), and Marian Brown in her official capacity as Dallas County Sheriff. [Doc. 1-1 at 3-18](#). Under the heading “parties,” Plaintiff lists in bolded text “Defendant Wells Fargo Bank, N.A.,” Defendant Specialized Loan Servicing, LLC,” and “NOTABLY: Bank of America, N.A.” [Doc. 1-1 at 5-6](#). He alleges that Bank of America “committed torts as a Mortgage Loan Servicer using forged and ineffective documents to collect unauthorized mortgage payments between 2004 and 2009... in excess of the jurisdictional minimum.” [Doc. 101 at 6-7](#). He also alleges claims for misrepresentation, fraud, forgery, and wrongful foreclosure against Wells Fargo and SLS.

Plaintiff now seeks to amend the case caption to include SLS and Bank of America.³ *See* [Doc. 4 at 1-2](#); [Doc. 7 at 3](#). Defendant opposes the motion, arguing that Plaintiff provides “no basis for seeking to join the additional parties to this lawsuit.” [Doc. 5 at 3-4](#). Defendant specifically contends that Plaintiff failed to comply with the Federal Rules of Civil Procedure, specifically [Rule 8](#), by not pleading claims against each of the defendants he seeks to add, and [Rule 4](#), by failing to request that summonses be issued for each. [Doc. 5 at 4](#).

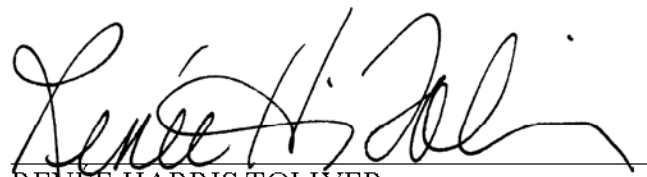
“The title of the complaint must name all the parties.” FED. R. CIV. P. 10(a). That notwithstanding, “the caption itself is normally not determinative of the identity of the parties or of the pleader's statement of claim The caption, pleadings, service of process and other indications of the intent of the pleader, are evidence upon which a district court will decide, in cases of doubt, whether an entity has properly been made a party to a lawsuit.” [E.E.O.C. v. Int'l Ass'n of Bridge, Structural & Ornamental Ironworkers, Local 580](#), 139 F. Supp. 2d 512, 525 (S.D.N.Y. 2001) (citations omitted). Based on the allegations contained in the Petition and given

³ In his reply, Plaintiff abandons his request to add Marian Brown in her official capacity as Dallas County Sheriff as defendants to the caption of the case as a defendant since the “ongoing ejection/eviction action against the Plaintiff” has been dismissed. [Doc. 6 at 1](#).

Plaintiff's pro se status, the Court sees no reason not to amend the case caption to include SLS and Bank of America as defendants. Moreover, at this stage, the Court takes no position with respect to the *adequacy* of the claims pled, as a motion to dismiss is the proper vehicle for such challenges.

Accordingly, Plaintiff's *Motion for Leave to Amend Conform Caption to Complaint*, [Doc. 4](#), and *Supplemental Motion for Leave to Conform Caption to Complaint*, [Doc. 7](#), are **GRANTED**. The Clerk of the Court is directed to amend the caption of the instant case to include as defendants: (1) Specialized Loan Servicing, LLC; and (2) Bank of America, N.A. Additionally, the Court *sua sponte* extends the period for Plaintiff to request summonses and effectuate service on defendants Specialized Loan Servicing, LLC and Bank of America, N.A. to **March 9, 2020**. Failure to comply by this deadline may result in dismissal of Plaintiff's claims against defendants Specialized Loan Servicing, LLC and Bank of America, N.A. See [FED. R. Civ. P. 4\(h\)&\(m\)](#).

SO ORDERED on January 14, 2020.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE